

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

CARLTON L. REID,

Plaintiff,

v.

C. ALLISON, et al.,

Defendants.

Case No.: 1:22-cv-1437 JLT CDB (PC)

**ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS TO DISMISS THIS  
ACTION FOR PLAINTIFF'S FAILURE TO  
OBEY COURT ORDERS AND TO  
PROSECUTE**

(Doc. 14)

Carlton L. Reid seeks to hold the defendants liable for civil rights violations pursuant to 42 U.S.C. § 1983. The assigned magistrate judge screened the allegations in the complaint and found Plaintiff failed to state a cognizable claim. (Doc. 13 at 4-9.) The magistrate judge directed Plaintiff to file an amended complaint or a notice of voluntary dismissal within 30 days. (*Id.* at 9.) In addition, the Court informed Plaintiff that if he failed to comply with the order, the magistrate judge would recommend the action be dismissed for failure to prosecute and failure to obey the Court's order. (*Id.* at 10.) Despite this warning, Plaintiff failed to respond to the Court's order. Then, the magistrate judge recommended this action be dismissed for Plaintiff's failure to obey court orders and failure to prosecute. (Doc. 14.) The Court served the Findings and Recommendations at the only address on record for Plaintiff, but U.S. Postal Service returned the document to the Court as "Undeliverable, Unclaimed" on June 8, 2023.

The Court's Local Rules require a plaintiff to keep the Court apprised of his current

1 address. Specifically, the Rules state: “If mail directed to a plaintiff *in propria persona* by the  
2 Clerk is returned by the U.S. Postal service, and if such plaintiff fails to notify the Court and  
3 opposing parties within sixty-three (63) days thereafter of a current address, the Court may  
4 dismiss the action without prejudice for failure to prosecute.” *See* Local Rule 183(b). Because the  
5 Findings and Recommendations were returned to the Court on May 30, 2023, any notice of  
6 change of address was due no later than August 1, 2023. Thus, Plaintiff has also failed to comply  
7 with the Court’s Local Rules, and dismissal is also appropriate on these grounds. *See e.g.*,  
8 *Ghazali v. Moran*, 46 F.3d 52, 53-54 (9th Cir. 2995) (dismissal for failure to comply with local  
9 rules); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for failure to  
10 prosecute and failure to comply with local rules).

11 According to 28 U.S.C. § 636(b)(1)(C), this Court conducted a de novo review of this  
12 case. Having carefully reviewed the entire matter, the Court concludes the Findings and  
13 Recommendations to be supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 14 1. The Findings and Recommendations issued on May 30, 2023 (Doc. 14) are  
15 **ADOPTED** in full.
- 16 2. This action is **DISMISSED** without prejudice.
- 17 3. The Clerk of the Court is directed to close this case.

18  
19 IT IS SO ORDERED.

20 Dated: **August 20, 2023**

  
UNITED STATES DISTRICT JUDGE